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10/087,679	03/01/2002	David J. Barry	END920010124US1	6426

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EXAMINER

STORK, KYLE R

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/087,679

Applicant(s)

BARRY ET AL.

Examiner

Kyle R. Stork

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final office action is in response to the Pre-Appeal Brief Request for Review filed 13 September 2006.
2. Claims 1-29 are pending. Claims 1, 9, 16, 22, and 29 are independent claims.

The rejection of claims 1, 7-8, 16, 22, and 28 under 35 USC 103 over Barritz (US 2001/0037258, filed 10 April 2001) further in view of Mueller et al. (US 6009398, filed 18 April 1997), further in view of Graber et al. (US 5712979, filed 20 September 1995), further in view of Boehne et al. (US 6434500, filed 18 October 1999), and further in view of Adobe GoLive 5.0 User Guide, (published 2000) has been withdrawn.

The rejection of claims 2, 12, 18, 23, and 29 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, and Adobe, and further in view of Yet et al. (US 6724918, filed 9 May 2000) and further in view of Carrier, III et al. (US 5960196, filed 18 December 1996) has been withdrawn.

The rejection of claims 3, 19, and 24 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, and further in view of Stern (US 6724918, filed 9 May 2000) has been withdrawn.

The rejection of claims 4, 20, and 25 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, and further in view of Lemay ("Laura Lemay's Teach Yourself Web Publishing with HTML 4 in 14 Days," 1997) and further in view of Towers (Visual Quickstart Guide: Dreamweaver 2 for Windows and Macintosh, 1999, Peachpit Press) has been withdrawn.

The rejection of claims 5, 21, and 26 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, and further in view of Conant et al. (US 2002/0129056, filed 14 February 2001) and further in view of Busch et al. (US 6656050, filed 3 August 2001), and further in view of Daberko (US 5787445, filed 7 March 1996) has been withdrawn.

The rejection of claims 6, 17, and 27 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, and further in view of Helgeson et al. (US 6643652, filed 12 January 2001) has been withdrawn.

The rejection of claim 9 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, and Yen has been withdrawn.

The rejection of claims 10-11 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, Yen and Helgeson has been withdrawn.

The rejection of claim 13 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, Yen, Carrier and Stern has been withdrawn.

The rejection of claim 14 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, Yen, Carrier, Stern, Lemay, and Towers has been withdrawn.

The rejection of claim 15 under 35 USC 103 over Barritz, Mueller, Graber, Boehne, Adobe, Yen, Carrier, Stern, Lemay, Towers, Conant, Busch, and Daberko has been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the calendar" in line 14. There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, the term will be ignored.

Claims 17-21 are rejected for their dependence upon a rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 7-8, 22, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe GoLive 5.0 User Guide, (publisher Adobe, published 2000, newly cited pages 82-94, 144-149, and 377-379, hereafter Adobe), and further in view of Mueller et al. (US 6009398, filed 18 April 1997, hereafter Mueller) and further in view of Boehne et al. (US 6434500, filed 18 October 1999, hereafter Boehne).

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As per independent claim 1, Adobe discloses a system for developing a website, comprising:

- A content system for providing content for web pages of the website, wherein the web pages have defined categories into which the content is arranged (pages 85, 377-379: Here, the website is shown as having the content arranged into at least two categories, images and pages)
- A site diagram system for dynamically defining and depicting a relationship between the web pages (pages 92-94)
- A breadcrumb system for inserting breadcrumb code into the web pages (pages 148-149: Here, a breadcrumb mode is a form of history tracking. Adobe teaches maintaining a history of the changes to a page)
- Wherein the content, the relationship and the breadcrumb code of the website is adapted to be developed by a creator that has no knowledge of web-based programming (page 1: Here, Adobe discloses the ability of a user to create a webpage without having any HTML knowledge)

Adobe fails to specifically disclose use of a calendar system for defining a calendar within the website. However, Mueller discloses a system for defining a calendar within a website (column 10, line 60- column 11, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Mueller with Adobe, since it would have allowed a user to enhance the chronological functionality of the website.

Adobe further fails to disclose use of a feedback system for receiving and tracking feedback related to the website. However, Boehne discloses the use of feedback systems within websites (column 3, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boehne with Adobe, since it would have allowed a user to utilize the communication facilities of the feedback to determine successful elements of a website.

As per dependent claim 4, Adobe, Mueller, and Boehne disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses:

- A side bar system for defining a side bar information (page 231-232: Here, a frame is a side bar containing information, such as a menu)
- A link system for defining links within the content (pages 144-147)
- A view system for generating a list of current content and corresponding links, based on at least one predetermined criterion (page 90)
- A template system for defining a template for the web pages (page 82)

As per dependent claim 7, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses wherein the breadcrumb code allows a reader of the website to view a list of web page links corresponding to web pages of the website visited by the reader, and further allows the reader to select a particular link on the list to return to the corresponding web page (pages 148-149).

As per dependent claim 8, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses wherein the site diagram system depicts the relationship as links on the website (pages 92-94).

As per independent claim 22, the applicant discloses the limitations similar to those in claim 1. Claim 22 is similarly rejected.

As per dependent claim 25, the applicant discloses the limitations similar to those in claim 4. Claim 25 is similarly rejected.

As per dependent claim 28, the applicant discloses the limitations similar to those in claim 7. Claim 28 is similarly rejected.

7. Claims 2, 23, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Yen et al. (US 6724918, filed 9 May 2000, hereafter Yen).

As per dependent claim 2, Adobe, Mueller, and Boehne disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses:

- A category system for defining the categories and assigning creator groups thereto, wherein the content for the categories can be defined only the assigned creator groups (pages 1 and 85)
- A record system for tracking changes to the content (pages 148-149)

- Wherein the creator groups include creators chosen from the group consisting of: authors who prepare the content for posting to the website, editors who edit the content submitted by the authors and administrators who approve the content (page 1)

Adobe fails to specifically disclose use of a metric system for tracking access to the web pages. However, Yen discloses use of a metric system for tracking access to the web pages (column 5, lines 35-55). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Yen with Adobe, since it would have allowed a user to enforce collaborative privileges.

As per dependent claim 23, the applicant discloses the limitations similar to those in claim 2. Claim 23 is similarly rejected.

As per independent claim 29, the applicant discloses the limitations similar to those in claims 1, 2, and 8 respectively. Claim 29 is similarly rejected.

8. Claims 3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Stern (US 6724918, filed 9 May 2000).

As per dependent claim 3, Adobe, Mueller, and Boehne disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Adobe fails to specifically disclose:

- A subscription system for subscribing to the website and for generating an alert to subscribers when new content is posted on the website

- A currency system for generating a reminder to update the content
- An information system for generating a list of new content that is posted to the website

However, Stern discloses:

- A subscription system for subscribing to the website and for generating an alert to subscribers when new content is posted on the website
- A currency system for generating a reminder to update the content
- An information system for generating a list of new content that is posted to the website (column 10, line 50- column 11, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Stern with Adobe, since it would have allowed a user to alert users of updated content (Stern: column 10, line 50- column 11, line 5).

As per dependent claim 24, the applicant discloses the limitations similar to those in claim 3. Claim 24 is similarly rejected.

9. Claims 5 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Busch et al. (US 6656050, filed 3 August 2001, hereafter Busch) and further in view of Daberkow (US 5787445, filed 7 March 1996).

As per dependent claim 5, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe further discloses a role system for defining roles of creators of the website (page 1).

However, Adobe fails to specifically disclose a promotion system for defining a promotion schedule for content to be posted on the web pages. But, Busch discloses a promotion system for defining a promotion schedule for content to be posted on the web pages (column 1, lines 10-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Busch with Adobe, since it would have allowed a user to introduce sweepstakes capability into web pages.

Adobe further fails to disclose a removal system for defining whether the content is hidden, deleted, or archived. However, Daberko discloses a removal system for defining whether the content is hidden, deleted, or archived (column 21, table 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Daberko with Adobe, since it would have allowed a user to flag data to be hidden, deleted, or archived.

As per dependent claim 26, the applicant discloses the limitations similar to those in claim 5. Claim 26 is similarly rejected.

10. Claims 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Mueller, and Boehne, and further in view of Helgeson et al. (US 6643652, filed 12 January 2001, hereafter Helgeson).

As per dependent claim 6, Adobe, Mueller, and Boehne disclose the limitation similar to those in claim 1, and the same rejection is incorporated herein. Adobe fails to specifically disclose a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server.

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However, Helgeson discloses a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server (column 134, line 65- column 135, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Helgeson with Adobe, since it would have allowed a user convert non-HTML elements to markup code for display over a network.

As per dependent claim 27, the applicant discloses the limitations similar to those in claim 6. Claim 27 is similarly rejected.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, and Boehne.

As per independent claim 9, Adobe discloses a system for developing a website, comprising:

- A content system for providing content for web pages of the website, wherein the web pages have defined categories into which the content is arranged (pages 85, 377-379: Here, the website is shown as having the content arranged into at least two categories, images and pages)
- A category system for defining categories for the web pages and for assigning creator groups thereto, wherein the content for the categories can be defined only the assigned creator groups (pages 1, 85, and 148-149)
- A site diagram system for dynamically defining and depicting a relationship between the web pages (pages 92-94)

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- A breadcrumb system for inserting breadcrumb code into the web pages (pages 148-149: Here, a history of the changes to a page is maintained)
- Wherein the creator groups include creators chosen from the group consisting of: authors who prepare the content for posting to the website, editors who edit the content submitted by the authors and administrators who approve the content (page 1)
- Wherein the content, the relationship and the breadcrumb code of the website is adapted to be developed by a creator that has no knowledge of web-based programming (page 1)

Adobe further fails to disclose use of a feedback system for receiving and tracking feedback related to the website. However, Boehne discloses the use of feedback systems within websites (column 3, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boehne with Adobe, since it would have allowed a user to utilize the communication facilities of the feedback to determine successful elements of a website.

12. Claims 10-11, 16-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe and Boehne, and further in view of Helgeson.

As per dependent claims 10 and 11, the applicant discloses the limitations similar to those in claim 6. Claims 10 and 11 are similarly rejected.

As per independent claim 16, Adobe discloses a method for developing a website, comprising the steps of:

- Defining categories for web pages of the website (pages 1 and 85)
- Assigning a creator group to each of the categories (page 1)
- Defining a depicting a hierarchical relationship between the web pages (pages 92-94)
- Inserting breadcrumb code into the web pages (pages 148-149)
- Wherein the creator groups include creators chosen from the group consisting of: authors who prepare the content for posting to the website, editors who edit the content submitted by the authors, and administrators who approve the content (page 1)
- Wherein the content, the relationship, and the breadcrumb code of the website are adapted to be developed by a creator that has no knowledge of web-based programming (page 1)

Adobe fails to specifically disclose use of a feedback system for receiving and tracking feedback related to the website. However, Boehne discloses the use of feedback systems within websites (column 3, lines 15-35). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Boehne with Adobe, since it would have allowed a user to utilize the communication facilities of the feedback to determine successful elements of a website.

Adobe further fails to specifically discloses a loading system for converting the content from a non-HTML format. However, Helgeson discloses a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server (column 134, line 65- column 135, line 25). It would

have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Helgeson with Adobe, since it would have allowed a user convert non-HTML elements to markup code for display over a network.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 6. Claim 17 is similarly rejected.

As per dependent claim 20, the applicant discloses the limitations similar to those in claim 4. Claim 20 is similarly rejected.

13. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson and further in view of Mueller and further in view of Yen.

As per dependent claim 12, Adobe and Boehne disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. Adobe further discloses a record system for tracking changes to the content (pages 148-149).

Adobe fails to specifically disclose a calendar system for defining a calendar within a website. However, Mueller discloses a system for defining a calendar within a website (column 10, line 60- column 11, line 25). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Mueller with Adobe, since it would have allowed a user to enhance the chronological functionality of the website.

Adobe further fails to specifically disclose a metric system for tracking access to the web pages. However, Yen discloses use of a metric system for tracking access to the web pages (column 5, lines 35-55). It would have been obvious to one of ordinary

skill in the art at the time of the applicant's invention to have combined Yen with Adobe, since it would have allowed a user to enforce collaborative privileges.

As per dependent claim 18, the applicant discloses the limitations similar to those in claim 12. Claim 18 is similarly rejected.

14. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson, Mueller, and Yen and further in view of Stern.

As per dependent claim 13, the applicant discloses the limitations similar to those in claim 3. Claim 13 is similarly rejected.

As per dependent claim 14, the applicant discloses the limitations similar to those in claim 4. Claim 14 is similarly rejected.

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson, Mueller, Yen, Stern, and further in view of Busch and further in view of Daberko.

As per dependent claim 15, the applicant discloses the limitation similar to those in claim 5. Claim 15 is similarly rejected.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, Helgeson and further in view of Stern.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 3. Claim 19 is similarly rejected.

17. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adobe, Boehne, and Helgeson and further in view of Busch and further in view of Daberko.

As per dependent claim 21, the applicant discloses the limitations similar to those in claim 5. Claim 21 is similarly rejected.

Response to Arguments

18. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork
Patent Examiner
Art Unit 2178

kr



CESAR PAULA
PRIMARY EXAMINER